

ENTERED

August 26, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KIERON DEREK PENIGAR,

Plaintiff,

v.

OFFICIAL ROBERTSON, *et al.*,

Defendants.

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CIVIL ACTION NO. H-21-2764

MEMORANDUM AND ORDER

Kieron Derek Penigar, an inmate incarcerated in the Texas Department of Criminal Justice, has filed a prisoner civil rights complaint. Penigar has not prepaid the filing fee. This action is dismissed under 28 U.S.C. § 1915(g).

Barring a show of imminent danger, under the Prison Litigation Reform Act of 1995, a prisoner may not file an action without prepaying the filing fee if he has, on three or more occasions, filed a prisoner action in federal district court or an appeal in a federal court of appeals that was dismissed as frivolous or malicious. 28 U.S.C. § 1915(g); *Adepegba v. Hammons*, 103 F.3d 383, 385 (5th Cir. 1996). Penigar has accumulated at least eight such dismissals. He is no longer allowed to proceed without prepaying filing fees under section 1915(g). *See Penigar v. Bell Helicopter Textron, Inc.*, No. 02-10172 (5th Cir. Aug. 20, 2002); *Penigar v. Bardin*, No. 01-11432 (5th Cir. Apr. 10, 2002); *Penigar v. Parker*, No. 01-11356 (5th Cir. Apr. 10, 2002); *Penigar v. Johnson*, No. 01-11290 (5th Cir. Feb. 20, 2002); *Penigar v. Bell Helicopter Textron, Inc.*, No. 01-10864 (5th Cir. Oct. 26, 2001); *Penigar v. Scott*, No. 1:02-cv-26 (N.D. Tex. Apr. 14, 2003); *Penigar v. Johnson*, No. 1:01-cv-88 (N.D. Tex. Sept. 26, 2001); *Penigar v. Bell Helicopter*

Textron, Inc., No. 4:01-cv-473 (N.D. Tex. June 18, 2001). Penigar's complaint, (Docket Entry No. 1), does not allege that he is in any imminent danger.

In light of the pleadings and his litigation history, Penigar has failed to show that he is eligible to proceed without prepaying fees. This action is dismissed under 28 U.S.C. § 1915(g).

SIGNED on August 25, 2021, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal
Chief United States District Judge